

September 1, 2021

VIA ECF

Hon. Valerie E. Caproni
United States District Court for the Southern
District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, New York, NY 10007

Re: *In re Commodity Exch., Inc. Gold Futures & Options Trading Litig.*, No. 14-MD-2548

Dear Judge Caproni:

Pursuant to the Amended Discovery Schedule (Dkt. No. 404) ¶ 11, Counsel for Plaintiffs and Defendants jointly submit this letter to summarize the parties' progress in fact discovery.

1. Depositions and Written Discovery

In May, Barclays agreed to provide written responses in lieu of deposition on agreed Rule 30(b)(6) issues and Plaintiffs provided these questions to Barclays on June 15. On August 6, Barclays responded to Plaintiffs' remaining Rule 30(b)(6) questions regarding Barclays' transaction data and data-related documents.

2. Privilege Logs

Defendants have produced categorical privilege logs accompanied by metadata logs for commercial transaction documents and traditional privilege logs for other categories of documents withheld, in whole or in part, as privileged. Plaintiffs and The Bank of Nova Scotia ("BNS") have engaged in extensive correspondence concerning BNS' privilege logs, including, most recently, an August 19, 2021 letter from BNS.

3. Partial Settlement (Deutsche Bank/HSBC)

On August 4, an objection on behalf of certain comex traders going solely to the Plan of Allocation was filed. Dkt. 578. Plaintiffs are preparing a response in support of their Final Approval Motion and their Fee Motion, including to respond to the sole purported objection, to be filed on September 16, 2021. The parties will appear before the Court on October 13 for the Fairness Hearing. Dkt. 580.

Respectfully submitted,

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